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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 1173 OF 1978

M/s. Bharat Commerce &
Industries Ltd., .. Plaintiffs.
VS.

M/s. R.P.Textiles
and Ors. .. Defendants.

Mr. J. Aggarwal i/by M.C. Bansal
for the plaintiffs.
None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 13th June, 2005.

P.C.

. The present suit is filed for recovery of a sum of Rs. 59,574.52 with interest on Rs. 46,361.50. The present suit is based on the goods sold and delivered. It is the case of the plaintiff that in the month of November, 1976, the plaintiff has sold and delivered to the defendant and the defendant has purchased various goods as set out in para. 3 of the plaint. In all there are 120 cases that the goods are delivered and in respect of 5 invoices being dated 11.11.76, 17.11.76 and three

invoices dated ²18.11.76 aggregating to Rs. 7,19,556.50 have been issued by the plaintiffs to the defendant. It is the case of the plaintiffs that the defendants have made part payment as set out in para. 5 of the plaint and at the foot of the account there is due and payable by the defendant to the plaintiff a sum of Rs. 46,361.50. The defendants have filed no written statement. The learned advocate appearing for the defendants seeks for adjournment. The matter was on Board on 8.6.2005 when at the request of the learned advocate for the plaintiff the matter was already adjourned to today as a matter of last chance. The learned advocate states that he is unable to contact his client and seeks further adjournment. No adjournment can be granted. The suit is of 1978. Written statement is not filed till date. Thus, there shall be a decree under order 10 rule 5 of CPC as prayed. Decree as prayed.

2. Suit disposed of accordingly. No order as to costs.